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OFFICE OF PETITIONS  
DECISION ON PETITION

In re Application of  
Michael W. Wallace  
Application No. 10/622,362  
Filed: July 17, 2003  
Attorney Docket Number: 7592-  
009  
Title: VEHICLE OCCUPANT  
CLASSIFICATION SYSTEM AND  
METHOD

This is a decision on the petition filed August 19, 2004,  
requesting that Figures 1-46 be accorded a filing date of July  
17, 2003, as part of the original disclosure.

The application was deposited on July 17, 2003. However, on June  
18, 2004, the Office of Initial Patent Examination (OIPE) mailed  
a "Notice of Incomplete Nonprovisional Application (notice)",  
stating that the application had not been accorded a filing date,  
and advising applicants that a filing date would be accorded upon  
the receipt of drawings. The notice set a two-month period for  
response.

In response, on August 19, 2004<sup>1</sup>, applicants filed the present  
petition. The petition is further accompanied by copies of  
Figures 1-46 and a copy of applicants' postcard receipt  
acknowledging receipt of "thirty sheets of drawings" in the  
United States Patent and Trademark Office (Office) on July 17,  
2003. Applicants request that Figures 1-46 be accorded a filing  
date of July 17, 2003 as part of the original disclosure.

<sup>1</sup> The petition contains a certificate of mailing dated August 13, 2004.

Upon review of the record, the above-mentioned figures have not been located among the application papers. However, the evidence is convincing that the application papers deposited on July 17, 2003 included Figures 1-46, and the sheets containing these figures were subsequently misplaced in the Office.

Therefore, the application, including Figures 1-46, was complete on filing and these figures are entitled to a filing date of July 17, 2003 as part of the original disclosure.

Accordingly, the petition is **GRANTED**.

The notice mailed June 18, 2004 was sent in error, and is hereby **VACATED**. Therefore, no petition fee is necessary, and the same has not been charged to Petitioner's Deposit Account.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 17, 2003, using the original application papers filed on that date, as well as the Figures 1-46 submitted on August 19, 2004 and for indication in Office records that these figures were present on filing. OIPE will then mail a corrected filing receipt.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.



**Paul Shanowski**  
**Senior Attorney**  
**Office of Petitions**  
**United States Patent and Trademark Office**